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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,801	06/20/2000	James A. Jorasch	00-032	5985

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EXAMINER

CHERUBIN, YVESTE GILBERTE

ART UNIT PAPER NUMBER

3713

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/597,801

Applicant(s)

JORASCH ET AL.

Examiner

Yveste G. Cherubin

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the communication of the Application No. 09/597,801 filed on October 17, 2002.

Election/Restrictions

2. Applicant's election without traverse of Group I, claims 1-29 in Paper No. 11, is acknowledged.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- a. Claims 1-15, 18-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Storch (US Patent No. 4,814,589) in view of Gassies (US Patent No. 5,895,321).

As per claims 1-3, 21-25, Storch discloses a system and method of use for encoding objects or a plurality of objects, for reading, decoding, processing and using the information obtained from such encoded objects. The coding may be applied to objects such as casino chips, currency, tokens etc. The coding system can be employed for enabling positive real-time event detection, object identification, particularly gambling chips in a gambling establishment etc. Each item is encoded with unique machine-readable binary information. The system comprises means for storing identifying information which is associated with the information, means for reading the encoded information from the items at more than one location, means coupled to receive the

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read information, and means for comparing stored identifying information with the received information to detect if one or more items are encoded with the same information thereby detecting counterfeits. Having a token associated with a first non-zero value is old and well known. Storch fails to disclose changing the value and associating the second non-zero value being different from the first non-zero value. Gassies discloses gambling chips having a predetermined value (1:9-12) (being read as non-zero value) and include electronic memory device, 4:41-64. Gassies further teaches that a reprogrammable electronic type device having a changing code with the possibility of reading and writing in memory can also be used. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the reprogrammable device of Gassies into the Storch type device in order to modify and allow changes to be made when needed. As per claims 4, 10, 27-29, in the gaming environment, it's well known that event can be detected in a lot of ways such as at the insertion and the discharge of tokens, player tracking system which can be done through the use of cards, etc. As per claims 5, 7, 9, 11, 26 Storch discloses using his chips, tokens in gambling machines. It's known that gambling machines can refer to slot machines, video game machines, etc. As per claims 6, 8, it's well known that the activity of a player can be tracked or detected through the use of an identification gaming card such as a smart card, etc. Regarding claims 12, 14-15, Gassies teaches the gambling chips having predetermined value and the capability of reprogramming those chips, having the second-non-zero value greater than the first non-zero value, and the second non-zero value less than the first non-zero value would

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have been a matter of design choice. It would have been obvious to set it up as such to correspond with the actual value of the token. As per claim 13, Storch discloses that the information on his chip can be encoded in many number of ways such as optically, magnetically, mechanically, electrically, sonically, etc. As per claims 18-20, Gassies' device comprises a memory carrying the identification of the chip and further makes use of a transmitter/receiver therefore making it possible to exchange the data value of the gaming token, 1:60-67, 2:54-60.

b. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Storch in view of Gassies and further in view of Modler (US Patent No. 5,361,885).

As per claims 16, 17 Storch in view of Gassies disclose the claimed invention as substantially as discussed above. However, neither one discloses displaying values on the token. Modler teaches the use of a display to display the values of tokens as shown in Fig 1-3, 1:19-23. It would have been obvious to one of ordinary skill in the art to display the token value in order to provide easy reading access of the token.

Response to Arguments

4. In response to the remarks filed in Paper No. 9, Applicants' concerns with respect to claims 1-71 have been taken in consideration. The Examiner agrees that the references to Storch, Gassies, and Modler did not meet the claimed limitations cited in the non-elected Groups II-VIII, namely claims 30-71. However, the applied references still meet the claimed limitations cited in claims 1-29. In order for the

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Applicant's response to be proper, the Applicant must discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yveste G. Cherubin whose telephone number is (703) 306-3027. The examiner can normally be reached on 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

December 26, 2002

ygc 


JOHN EDMUND ROWAN
PRIMARY EXAMINER